NOTICE OF ALLOWANCE AND FEE(S) DUE

10037   7590   04/30/2009

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS, NY 10606

EXAMINER
SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
3685	

DATE MAILED: 04/30/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,787	07/05/2001	David Paul Felsher	FELSHER 201.1	2368

TITLE OF INVENTION: INFORMATION RECORD INFRASTRUCTURE, SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	07/30/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or <u>Fax</u> **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

   10037   7590   04/30/2009

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SUITE 460
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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,787	07/05/2001	David Paul Felsher	FELSHER 201.1	2368

TITLE OF INVENTION: INFORMATION RECORD INFRASTRUCTURE, SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	07/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHERR, CRISTINA O	3685	705-065000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,787	07/05/2001	David Paul Felsher	FELSHER 201.1	2368

10037 7590 04/30/2009	EXAMINER	
MILDE & HOFFBERG, LLP	SHERR, CRISTINA O	
10 BANK STREET	ART UNIT	PAPER NUMBER
SUITE 460	3685	
WHITE PLAINS, NY 10606		

DATE MAILED: 04/30/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 715 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 715 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101   or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	09/899,787	FELSHER, DAVID PAUL
	Examiner	Art Unit	
	CRISTINA OWEN SHERR	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *12/1/08*.

2. ☒ The allowed claim(s) is/are *1-93, 105-107, and 109-155* .

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some* c) ☐ None of the:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
           International Bureau (PCT Rule 17.2(a)).
    * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
      Paper No./Mail Date _____.
   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)
1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

CRISTINA OWEN SHERR
Examiner
Art Unit: 3685

This communication is in response to Applicant's amendment filed December 1, 2008.

Claims 1-93, 105-107, and 109-159 are pending in this case. Claims 1, 58, 105, 106,

107, 109, and 144 have been amended. Claims 152-159 are newly added. By means

of a supplemental amendment, filed December 3, 2008, claims 154 and 158 are

amended.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 1,

2008 has been entered.

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I.   Claims 1-93, 105-107, and 109-155, drawn to a method for storing digital

           records and controlling access to said records, classified in class 705,

           subclass 51.

   II.   Claims 156-158, drawn to a data security method, classified in class 380,

           subclass 201.

2.   The inventions are distinct, each from the other because of the following reasons:

3.   Inventions I and II are directed to related methods. The related inventions are distinct if: (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed the inventions have a materially different function, have distinct scope, and are not obvious variants. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

4.   Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

   (a) the inventions have acquired a separate status in the art in view of their
       different classification;

   (b) the inventions have acquired a separate status in the art due to their
       recognized divergent subject matter;

   (c) the inventions require a different field of search (for example, searching
       different classes/subclasses or electronic resources, or employing different
       search queries);

   (d) the prior art applicable to one invention would not likely be applicable to
       another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C.

101 and/or 35 U.S.C. 112, first paragraph.

5.   **Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention**.

6.   The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

7.   If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

8.   Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

9.   During a telephone conversation with Steven M. Hoffberg, Reg. No. 33,511 on

April 22, 2009, a provisional election was made without traverse to prosecute the

invention of group I, claims 1-93, 105-107, and 109-155. Affirmation of this election

must be made by applicant in replying to this Office action. Claims 156-158 are

withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn

to a non-elected invention.

EXAMINER'S AMENDMENT

10.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

11.   Authorization for this examiner's amendment was given in a telephone interview

with Steven M. Hoffberg, Reg. No. 33,511 on April 22, 2009.

12.   Claims 156-159 are hereby cancelled. Claims 1, 10, 17, 18, 25, 27, 32,-34, 37,

38, 55, 58, 89-91, 109, 112, 144-147, 152, and 154 are amended as follows:

        1.   (Currently Amended)   A method, comprising the steps of:
        storing a plurality of digital records and respective access rules for each digital
record in a computer memory associated with a server system;
        receiving a request for access, from a remote computer, to access a digital
record stored in the computer memory;
        validating, by the server system, the received request to access the digital record
by applying a respective set of access rules for the digital record stored in the computer
memory;
        retrieving, by the server system, a public key having an associated private key,
and associating a logging wrapper having a respective session key with the digital

record, after validating the received request, wherein the session key is distinct from the public key and the private key;

encrypting and sending, by the server system, the requested digital record which has been validated, using the public key and the session key to encrypt the digital record;

receiving and decrypting the encrypted digital record, by the remote computer, using the private key, and the session key in conjunction with the logging wrapper;

generating by the logging wrapper, at the remote computer, a logging event; and

recording the logging event in an access log

~~defining a plurality of records;~~

~~qualifying an access to a record by referencing a respective set of access rules for the record, said respective access rules being stored in a database representing respective sets of access rules for said plurality of records, and said respective set of access rules comprising instructions to a trustee, defined under a legally enforceable trust agreement establishing a trust granting legal control over access to the record to a trustee subject to jurisdictional law of trusts, on behalf of a beneficiary;~~

~~receiving a third party public key having an associated third party private key, and defining a session key for communication of a record;~~

~~applying the respective set of access rules, retrieved from the database, to selectively grant access to the record by a third party, by means of an automated system, wherein said automated system provides a communication of the record in an encrypted form associated with a logging wrapper, wherein the record is cryptographically protected with both the third party public key and the session key, the limitations of the trust being enforced under authority of the trustee in accordance with the trust agreement, the respective set of access rules, and the jurisdictional law of trusts,~~

~~wherein access to a decrypted content of the record requires decryption of the communication with respect to the session key, and supply of the third party private key, and said logging wrapper generates a logging event, and~~

recording the logging event in an access log.

10.   (Currently Amended)   The method according to claim 9, wherein the
~~index further stores a set of access rules for qualifying an intended recipient with~~
~~respect to each of the records~~ respective set of access rules comprise instructions to a
trustee, defined under a legally enforceable trust agreement establishing a trust granting
legal control over access to the record to a trustee subject to jurisdictional law of trusts,
on behalf of a beneficiary.

17.   (Currently Amended)   The method according to claim 10 ~~1~~, wherein
the respective set of access rules are defined by a grantor of the trust.

18.   (Currently Amended)   The method according to claim 1, wherein ~~the~~
~~record is encrypted, and~~ a decryption of the record triggers a remotely-sensed
transaction.

25.   (Currently Amended)   The method according to claim 24 ~~1~~, wherein
the media content record is distributed peer-to-peer ~~access rules are interpreted in~~
~~accordance with a database of jurisdictional trust laws~~.

27.   (Currently Amended)   The method according to claim 10 ~~1~~, further
comprising the step of creating a trust comprising the record, implemented in
accordance with the trust laws of a specified jurisdiction.

32.   (Currently Amended)   The method according to claim 10 ~~1~~, wherein
the trustee controls the records and implements the access rules without requiring
access to a content of the records.

33.   (Currently Amended)   The method according to claim 10 ~~1~~, wherein
the trustee acts without requiring access to the records.

34.   (Currently Amended)   The method according to claim 10 ~~1~~, wherein
the trustee selectively processes the records.

37.   (Currently Amended)   The method according to claim 10 4, wherein the record comprises a corpus of a medical information trust for holding medical records on behalf of a patient distinct from the caregiver; the trustee charging for access to the medical record, and maintaining a record of each access of the medical record.

38.   (Currently Amended)   The method according to claim 10 4, wherein the trust has a beneficiary and the respective set of access rules is applied to limit access by an identified intended recipient, without communicating an identity of the intended recipient to the beneficiary.

55.   (Currently Amended)   The method according to claim 53, wherein the information content comprises medical record information, and the associated access rules comprise restrictive access rules based on an identity or characteristic of a requestor the user.

58.   (Currently Amended)   A database system, comprising a plurality of digital records, each digital record having an associated set of access rules, stored in a computer memory associated with a server system;

        an interface computer in communication with a remote computer, receiving a request for access from the remote computer to access a digital record stored in the computer memory;
        an automated processor, associated with the server system,
                validating the received request to access the digital record by applying a respective set of access rules for the digital record stored in the computer memory;
                retrieving a public key having an associated private key, and associating a logging wrapper having a respective session key with the digital record, after validating the received request, wherein the session key is distinct from the public key and the private key;

encrypting and sending the requested digital record which has been validated, using the public key and the session key to encrypt the digital record, through the interface computer;

receiving, through the interface computer, a logging event from the remote computer based on an operation of the wrapper and at least the session key; and

recording the logging event in an access log

~~means for automatically applying the appropriate set of access rules to control access to the record by a third party, each respective set of access rules representing instructions to a trustee operating under an established legal trust applying the access rules on behalf of a beneficiary in accordance with the legal trust, the respective access rules, and the jurisdictional trust law, wherein the record is communicated in an encrypted form requiring for decryption at least a session key and a private key of a public key-private key pair, and wherein access of the record is controlled through a wrapper which is adapted to generate an access event in an access log~~.

89.   (Currently Amended)   The system according to claim 58, wherein the rules are administered by a trustee who controls the records and implements the respective access rules without requiring access to a content of the record.

90.   (Currently Amended)   The system according to claim 58, wherein the rules are administered by a trustee who controls access to the records.

91.   (Currently Amended)   The system according to claim 90 ~~58~~, wherein the trustee selectively processes the records.

109.   (Currently Amended)   The system according to claim 58, wherein the information comprises digital media information, said digital media information being associated with subsidy content, wherein an economic compensation for access by ~~the third party~~ a user to the digital media information is offset by a value for subsidy content.

112.   (Currently Amended)   The system according to claim 110, wherein
the information content comprises medical record information, and the rights comprise
restrictive access rules based on an identity or characteristic of ~~the~~ a user.

144.   (Currently Amended)   A method, comprising the steps of:

storing a plurality of digital records and respective access rules for each digital
record in a computer memory associated with a server system;

receiving a request for access, from a remote computer, to access a digital
record stored in the computer memory;

validating, by the server system, the received request to access the digital record
by applying a respective set of access rules for the digital record stored in the computer
memory;

retrieving, by the server system, a public key having an associated private key,
and associating a wrapper having a respective session key with the digital record,
wherein the session key is distinct from the public key and the private key;

encrypting and sending, by the server system, the requested digital record after
validating the received request, using the public key and the session key to encrypt the
digital record;

receiving the encrypted digital record, by the remote computer, and decrypting
the encrypted digital record using the private key and the session key in conjunction
with the wrapper;

generating by the wrapper, at the remote computer, a logging event; and

accounting, at the server, for the decrypting by the remote computer using the
wrapper

~~storing a set of access rules in a database;~~

~~defining a plurality of sets of information content, the sets of information content
being subject to associated access rules stored in the database;~~

~~transmitting information defining the associated access rules for the respective
plurality of sets of information content to a trustee;~~

~~automatically, under control of the trustee, retrieving the associated access rules with respect to the associated information content, and implementing the retrieved associated access rules dependent on a context of attempted access of the associated information content, and in accordance with a trust agreement under which the trustee has a duty to a beneficiary in accordance with a jurisdictional law of trusts; and~~

~~accounting, by the trustee, for access to the information content and respective context in an access log based on a wrapper associated with the information content,~~

~~the access to a decrypted form of the information content being dependent at least a session key and a private key of a public key-private key pair.~~

145. (Currently Amended)   The method according to claim 144, wherein the <u>respective set of access rules comprise instructions to a trustee, defined under a legally enforceable trust agreement establishing a trust granting legal control over access to the record to a trustee subject to jurisdictional law of trusts, on behalf of a beneficiary</u> ~~trustee commercially exploits the record~~.

146. (Currently Amended)   The method according to claim <u>145</u> ~~144~~, wherein the trustee generates commercial subsidies in conjunction with transactions involving a record.

147. (Currently Amended)   The method according to claim <u>145</u> ~~144~~, wherein the trustee conducts a financial transaction with respect to a record, and financially compensates the beneficiary for the transaction.

152. (Currently Amended)   A database system, comprising:

at least one retrieval <u>computer retrieving</u> [subsystem adapted to retrieve] a plurality of <u>digital</u> records and having at least one access log, each <u>digital</u> record having an associated set of access rules;

<u>at least one communications interface computer in communication with a remote computer, communicating a request for access, from the remote computer, to access a digital record stored in the at least one retrieval computer; and</u>

at least one processor <u>for:</u> ~~adapted to~~

selectively ~~control~~ <u>controlling</u> the <u>at least one</u> retrieval <u>computer</u> ~~subsystem~~ to retrieve a record in dependence on a compliance with <u>a</u> respective set of access rules<u>;</u>

<u>validating the received request to access the digital record by applying a respective set of access rules for the digital record stored in the at least one retrieval computer;</u>

<u>retrieving a public key having an associated private key, and associating a wrapper having a respective session key with the digital record, after validating the received request, wherein the session key is distinct from the public key and the private key;</u>

<u>encrypting and sending the requested digital record which has been validated, using the public key and the session key to encrypt the digital record, through the at least one communications interface computer;</u>

<u>receiving, through the at least one communications interface computer, a logging event from the remote computer based on an operation of the wrapper and at least the session key; and</u>

<u>recording the logging event in an access log</u>~~;~~

~~at least one communications port, adapted to communicate the record in an encrypted form requiring for decryption at least one temporary session key generated for conduct of communications during a respective communications session, and a private key of a persistent public key-private key pair, and wherein access of the record is controlled through a wrapper which is adapted to generate a communicated access message through the communications port, and which is communicated to the at least one retrieval system for updating the at least one access log.~~

154.   (Currently Amended)   A method, comprising the steps of:

storing a set of access rules in a database <u>stored in a first computer memory</u>;

defining a plurality of sets of information content stored in a second computer memory at a server system, the sets of information content being subject to associated access rules stored in the database;

transmitting information defining the associated access rules for the respective plurality of sets of information content from the first computer memory to a database control system at the server system;

automatically, under control of the database control system at the server system, ~~retrieving~~ analyzing the associated access rules with respect to the ~~associated~~ respective information content, and implementing the ~~retrieved~~ transmitted associated access rules dependent on a context of attempted access of the ~~associated~~ respective information content, to thereby validate a request for access;

retrieving, by the server system, a public key having an associated private key, and associating a wrapper having a respective session key with the respective information content, wherein the session key is distinct from the public key and the private key;

encrypting, by the server system, the requested respective information content using the public key and the session key to encrypt the digital record, and associating the respective information content in an encrypted form with a wrapper;

communicating the ~~associated~~ respective information in an encrypted form and the wrapper, after validating the respective request for access, an access to a decrypted form of the information content at a remote computer being dependent on at least the wrapper, the ~~a transient~~ session key and [[a]] the private key ~~of a persistent public key-private key pair~~;

communicating an event from the remote computer to the server system, by the wrapper; and

accounting for access to the information content and a respective context in an access log at the server system ~~based on a wrapper associated with the information content~~.

Reasons for Allowance

a.   The following is the Examiner's statement of reasons for allowance.

b.   Regarding the claimed terms, the Examiner notes that a "general term

must be understood in the context in which the inventor presents it." *In re Glaug*

283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the

Examiner must interpret the claimed terms as found on pages 1-24 of the

specification. Clearly almost all the general terms in the claims may have

multiple meanings. So where a claim term "is susceptible to various meanings, .

. . the inventor's lexicography must prevail . . . ." Id. Using these definitions for

the claims, the claimed invention was not reasonably found in the prior art.

13.   Regarding independent claims 1, 58, 144, 152, and 154, the primary reference,

Rusnak et al (US 6,098,056), discloses as previously discussed. Rusnak, however,

does not disclose decrypting an encrypted digital using the private key and the session

key in conjunction with the logging wrapper. Moreover, the missing elements of Rusnak

are not likely found in a reasonable number of reference(s). Yet even if the missing

claimed elements were found in a reasonable number of references, a person of

ordinary skill in the art at the time the invention was made would not have been

motivated to include these missing elements in an embodiment of Rusnak, since

normally logging wrappers are not used in decryption.

14.   Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CRISTINA OWEN SHERR whose telephone number is

(571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through

Friday.

16.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

17.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cristina Owen Sherr
Patent Examiner, AU 3685

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685